



Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA, 02108
phone: 617-727-0060, fax: 617-723-5851



SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 677

IN THE MATTER OF FRANCISCO CABRAL

DISPOSITION AGREEMENT

The State Ethics Commission and Francisco Cabral enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On December 18, 2002, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Cabral. The Commission has concluded its inquiry and, on March 12, 2003, found reasonable cause to believe that Cabral violated G.L. c. 268A, §19.

The Commission and Cabral now agree to the following findings of fact and conclusions of law:

-Findings of Fact-

1. Cabral was Fall River's full-time wiring inspector between February 2001 and December 2002.
2. When electrical work is to be performed in Fall River, the inspector conducts a preliminary and a final inspection.
3. Cabral's son Timothy Cabral is a licensed electrician. He performs electrical work in Fall River and neighboring communities.
4. Francisco Cabral inspected his son's electrical work on several occasions between November 2001 and March 2002.
5. In each case, Cabral determined whether his son's work complied with the Massachusetts electric code.
6. The Commission is aware of no evidence indicating that any of the work performed by Timothy Cabral and inspected by Francisco Cabral did not comply with the code.

7. Francisco Cabral cooperated fully with the Commission in this matter.

-Conclusions of Law-

8. Section 19 of G.L. c. 268A prohibits a municipal employee from participating in his official capacity in a particular matter in which, to his knowledge, he or a member of his immediate family has a financial interest.

9. As a Fall River wiring inspector, Cabral was a municipal employee as that term is defined in G.L. c. 268A, §1.

10. The electrical inspections of Timothy Cabral's work were determinations, and therefore particular matters.¹

11. Cabral participated² in those particular matters by performing the inspections.

12. Timothy Cabral is Francisco Cabral's son, and therefore an immediate family member.³

13. Timothy Cabral had a financial interest in Francisco Cabral's inspections, of which Francisco Cabral had knowledge when he performed the inspections. Had Francisco Cabral determined that his son's work did not comply with the electric code, Timothy Cabral would have had to bring the work into compliance at his own expense.

14. Therefore, by performing inspections of his son's electrical work, Cabral participated as a municipal employee in particular matters in which to his knowledge an immediate family member had a financial interest. Each time he did so, Cabral violated § 19.

-Resolution-

¹ "Particular matter" means any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, §1(k).

² "Participate," participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).

³ "Immediate family" means the employee and his spouse, and their parents, children, brothers and sisters.

In view of the foregoing violations of G.L. c. 268A by Cabral, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Cabral:

- (1) that Cabral pay to the Commission the sum of seven hundred and fifty dollars, (\$750.00) as a civil penalty for violating G. L. c. 268A §19; and
- (2) that Cabral waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: March 19, 2003